

MINUTES
Village of Los Ranchos
6718 Rio Grande Blvd NW
SPECIAL MEETING
SATURDAY, SEPTEMBER 14, 2002- 10:00 a.m.

Present:

John Hooker, Mayor
Penny Rembe, Trustee/Mayor Pro Tem
David Siegel, Trustee
Donald Lopez, Trustee
Pablo Rael, Trustee

Annabelle Silvas, Clerk
Cyndie Tidwell, Planner
David Mathews, Attorney

Absent:

Hank Rosoff, Administrator
Allen Leatherwood, Treasurer

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Special Meeting on Saturday, September 14, 2002, in the Warren J. Gray Hall. The meeting was called to order at 10:00 a.m.

A. Approval of Agenda

Motion: Trustee Lopez moved approval of the agenda, and requested that the residents who want to speak be allowed to speak first on issues that they are concerned with.

Trustee Siegel amended the motion to include a time limit of two minutes per person.

Trustee Rembe seconded the motion.

Vote: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

Comments and concerns from the audience were:

The need for recreational facilities for kids, and suggested that this be included as a permissive use in the agriculture zone.

Paul Duncan asked for clarification on guesthouses if it was per acre.

Guadalupe Ortega stated his concerns with his property and his neighbors.

Olga Sanchez submitted 198 petitions asking the Village to enforce the current Ordinance of one (1) horse per 10,000 square feet.

Cordelia Sanchez stated her concerns with the variance not being allowed and subdividing of property. She said that if it is going to be handled by a variance something has to be eliminated from section 6. A1. She said that under permissive use, it says that the variance provision is not appropriate for allowing more than one dwelling unit per parcel. If she or anyone else were to appear before the planner, and the planner gave approval for a variance, and if you then appear before the P & Z Commission, they could go back to this wording and say variances are not allowed. She requested that the word "variance" be included as an option in section 6.A-1.

Mayor Hooker stated that this has been deleted from the draft.

Trustee Siegel stated that he has done a proposal for family subdivision in the Special Use permits. He said it is slightly different from a variance, because a variance you have to demonstrate a hardship, and this has more of a lenient criterion. He said the property has to be given to a 1st degree family member right when the lot is subdivided or added to a will, and the person that inherits the property can sell any of the parcels for a period of three years. In addition, a provision of "the density" that results from the subdivision can't be more than what's allowed for the density bonus section. He said this would be a Special Use permit, and a subdivision plat would have to be submitted to the P & Z commission. He said his is to make sure the property stays in the family for a certain amount of time, and not used just to subdivide the property and then be sold to developers.

3. CONSENT AGENDA

There were no items for discussion under the consent agenda.

4. PUBLIC HEARINGS AND APPLICATIONS

There were no items for discussion under public hearings and applications.

5. OLD BUSINESS

A. Discussion and Comment on Draft Zoning Ordinance (dated January 19, 2001)-(Includes all sections of the Zoning Ordinance that have been deferred)

The Board of Trustees discussed and made the following changes, additions or deletions to the Draft Zoning Ordinance as follows:

SECTION 6.A-1- AGRICULTURE/RESIDENTIAL ZONE

Trustee Lopez stated that in section 6.1, page 1, there is a line through the wording of "providing that there shall be a least 10,000 square feet of open lot area for each cow, horse, mule, or donkey and a least 2,000 square feet of open lot area for each sheep, llama, alpaca, goat, or pig. Animal under six (6) months of age are not counted."

Mayor Hooker stated that part of the intent at that time was to look at the animal control ordinance and see if that was the right place to regulate animals.

Attorney Mathews stated that this is the way this is handled in other communities. Many communities do have the 10,000 sq. feet. In researching this the 10,000 sq. feet seems to be an arbitrary number, and is not based upon the number of pasturage it would need. Other communities handle the livestock issue by the effect of the livestock rather than the number of livestock. He said if the Board decides to keep the square footage requirement that needs to be addressed is how long an animal stays on the property before it is counted in the number of animals as a permanent resident of the facility. He said this is vague because it is not based upon reality for all animals. He said most colts are weaned at six months, the beef cattle will nurse until the cow goes into the next gestation period, and the dairy cattle will nurse for about five days. He said this is why he feels that the six-month period is somewhat arbitrary. He said the communities that have eliminated the sq. footage requirement have been successful because they have been diligent in enforcing the effect of the animals. He said this could be handled within the Animal Control Ordinance or the Nuisance Ordinance.

Trustee Lopez stated that at the end of line 4, it states "if commercial enterprise, issued an annual animal permit," then this would mean that the commercial ones will have to come in every year to get this permit.

Trustee Siegel stated that most of the difficulties from the 10,000 sq. ft is the commercial stables. He said that if you insert the restriction back in the A-1 zone and move the stables to the AC zone there would be more of an oversight. He said with the annual animal permit for a commercial enterprise that would give an opportunity to make sure the effect of the animal has been litigated.

Attorney Mathews stated that if the Board decides to keep the square footage he wants some time limit as to when an animal becomes a permanent resident. He said that the way it is now, with the 10,000-sq. ft. it is not sufficient and needs more details.

Kate Warren commented that she has alpacas and they nurse as long as llamas and goats, which is up to a year and she cannot sell them until they are year or year and half. She said that the Alpacas stay in-groups, and if you have five acres, they will use a quarter of an acre at a time. She said this is tuff to regulate, because it depends on the individual operation and how they handle their animals.

Trustee Lopez stated that it should stay as it is as edited so far.

Trustee Rael asked if that is with removing the 10,000 sq. ft.

Trustee Lopez answered yes.

Attorney Mathews stated that if the board decides to eliminate the square footage he would make an amendment to the Animal Control Ordinance. He said the language he is looking for is specific language to be included in the Animal Control Ordinance to find ways for the cleaning of the facilities and pest control.

Trustee Siegel stated that the only problem he has is the enforcement issue and it has to be extremely specific in the Animal Control Ordinance. If they're in violation, it is easy

to see. If there is a bunch of other criteria in the Animal Control Ordinance, that is arguable. He said a lot of time will be spent in municipal court and there will be many neighbors upset. He said the concept is fine, but he does have a problem with how clear the criteria is going to be and how enforceable is it going to be.

Trustee Rembe stated that there has to be a time limit on violations cited in the ordinance.

Trustee Rael asked if the annual permit was denied what would the time limit be to remedy the situation.

Attorney Mathews stated that in other communities it is thirty days.

Mr. Sanchez stated that the affluence depends on the size of a horse and it is 50 lbs. per day, the urine salts and the ammonia that it creates goes to the well water. He said the large concentrations from the larger animals, in one zone, create a leaching effect.

Mrs. Sanchez stated that this horse facility lines the water line, and these horses are no more than four feet next to the water line. She said there are open stockpiles of manure that are only removed when it is hot and the stench smells bad. She said their air conditioner has to be cleaned every two weeks to remove the dust and the mildew.

Attorney Mathews stated that Ms. Sanchez has raised a good issue of the lack of setback. He said that the horse shows next to the Sanchez's property takes place right next to the property line. He feels this is a valid point and should be looked at. He said he does not think it should be right up to the property line. He said this should be addressed in the zoning ordinance.

There was a discussion of adding a section on private schools in the A-1 Section.

Motion: Trustee Siegel moved to add the following to Conditional Uses in the A1 Zone "*outdoor recreational facilities accessory to a public or private schools*" as a new section C to be renumbered (8). **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

Trustee Siegel stated that on page 2, line 30, it states that agricultural vehicles are excluded from this regulation. He asked if these vehicles should be operable. If tractors are operable, is it a motor vehicle.

Motion: Trustee Siegel moved to strike line 30, which includes the wording "*agricultural vehicles are excluded from this regulation.*"

Attorney Mathews stated that he considers an agricultural vehicle as motorized, and many people that see agricultural equipment that is very old is usually kept as decorative.

Trustee Rael stated that he does not think that a tractor that breaks down in the field has to be screened.

Planner Tidwell suggested adding the wording of "*and equipment*" under paragraph 8, Outdoor Storage and Materials and does need to be included somewhere.

Trustee Lopez stated that it is clear, because it states outdoor storage of materials incidental to agricultural uses.

The motion died for a lack of second.

Trustee Siegel stated that on line 32, page 2, if your not limiting how often you can have garage sales, estate sales, and home distributor parties, you are running and unregulated business and should have a business and home occupation permit. He said there should be a maximum of four times a year on those.

Motion: Trustee Siegel moved to strike "*once a month*" and replace with "*four times a year*", and any more frequent, would require a home occupation permit.

Attorney Mathews stated that other communities handle that under a home occupation and some call it a vendor permit.

Trustee Rembe seconded the motion.

Vote: The motion carried unanimously.

Motion: Trustee Siegel moved to add the language of "*provided that the density resulting from the construction of the guest house does not exceed that allowed for the parcel in Section 15B (10)*," in section C, line 16, section 2. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

Motion: Trustee Siegel moved to add a new sentence "*animals may not be kept within the setbacks,*" under Section E (2), page 4, where setbacks are discussed which would be a new section (C).

Trustee Siegel withdrew his motion.

Attorney Mathews stated that he would add this to the Animal Control Ordinance.

Motion: Trustee Siegel moved to add the language of "*including swimming pools*" on page 4, line 10, Section E (2). **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

Motion: Trustee Siegel moved to add the language of "*along the public right of way*" on page 4, Section F (2) (C), **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

Trustee Rael stated that he had a concern with allowing a caretaker to move in permanently into a guesthouse, and not allowing a person whom is unable to take care of him or herself. He said if you allow one, you should be able to allow someone else.

Trustee Lopez stated that as he recalls, it was more than a caretaker and should deal with that wording.

Motion: Trustee Lopez moved to delete the paragraph on page 3, Section C. Conditional Uses, paragraph 6, (b), and change it to read " *Occupants shall not be charged rent*" **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

SECTION 7- A-3 AGRICULTURAL/RESIDENTIAL ZONE

Motion: Trustee Siegel moved that the change made for A-1 be carried through to A-3. **Trustee Lopez** seconded the motion.

Mayor Hooker stated that this is the purple area on the zoning map west of Rio Grande.

Trustee Lopez stated that the A-2 is still on the map, but no longer exists.

Mayor Hooker stated that the motion is to move all those comments from the A-1 over to A-3 as they apply.

Vote: The motion carried unanimously.

Trustee Lopez stated that on Section F. under Height Regulations, there is not a maximum height, but there is a maximum height of 42 feet elsewhere in the Village. He asked if the Board wants to consider a maximum height.

Trustee Siegel stated that paragraph F (1) needs to be deleted.

Attorney Mathews stated that the Village has a separate ordinance on cell towers, and we can restrict it to zones.

Trustee Lopez asked if the maximum height of 42 should be inserted.

Trustee Siegel moved to strike from all the residential zones the cell towers because these are limited to the commercial zone by the Cell Tower Ordinance.

Trustee Siegel moved to add the language of "*Non-commercial towers*" in front of Section F (1) and in the first paragraph, add the language of "*which shall have a maximum height of forty (40) feet*" to Section F. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

SECTION 9. R-3 - RESIDENTIAL ZONE

Motion: Trustee Siegel moved to continue the changes made in the A-1 Zone to be carried through this section, which includes the height limits of 40 feet and the tower language in section F. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

Mayor Hooker noted a typographical correction that needs to be made in Section C. (5) changing the word from "less" to "fewer".

Mayor Hooker suggested that the Village form element be taken out of each section and made as a separate section.

Motion: Trustee Siegel moved to take out the form element from each section and create a single section. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

Mayor Hooker suggested a change under Height Regulations of fences and walls regarding the clear site triangle, Section F (2) (d). He suggested that "*two (2) access points*" be deleted and add the language of "*a driveway and a public or private right-of-way.*"

Motion: Trustee Lopez moved to delete the wording of "*two (2) access points.*" and add the language of "*a driveway and a public or private right-of-way,*" to Section F (2) (d) under fences and walls. **Trustee Rael** seconded the motion.

Mayor Hooker stated that these changes will be carried on to the A-1, A-3, R-1, R-2 and R-3.

Vote: The motion carried unanimously.

MAYOR HOOKER SUGGESTED DISCUSSION ON SECTIONS 1, 3 AND 4.

Motion: Trustee Lopez moved to defer these sections until a future date and until the Board can review them. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

Planner Tidwell suggested the following language to be included in Section 3 of "*all properties developed for residential purposes whether they are occupied or not shall be regularly maintained so that they are not allowed to fall into a state of disrepair and neglect. They shall consistently present a neat and orderly appearance to the general public as well as adjacent or nearby tenants and property owners. All properties developed for commercial purposes whether occupied or not shall be regularly maintained so that they are not allowed to fall into a state of disrepair and neglect and they shall be brought up to current regulations and code i.e., storm water retention, lighting, signage, ADA access upon additional construction, including interior remodeling, exterior renovation or parking lot improvements/conditions.*"

Motion: Trustee Lopez amended his motion to include the proposed suggested language of the planner into another draft and that a new draft is provided. **Trustee Rael** seconded the motion.

SECTION 10. C-1 - RETAIL COMMERCIAL ZONE

Trustee Lopez asked why Section (23) under Conditional Uses, cannot be a permissive use.

Mayor Hooker stated that things such as schools could be a nuisance to the neighbors if it is not managed. He said that a conditional use gives the Village the opportunity to verify that those nuisances are managed.

Trustee Lopez stated that the C-1 zone is specifically for commercial development. He said he wants to make sure that the schools aren't tied up in the procedural process and move as quickly as possible.

Trustee Siegel stated that this should be placed under the permissive section. However, it is included twice under 14 and 23.

Motion: Trustee Siegel moved to strike "*paragraph 14*" and move "*paragraph 23*" to permissive, and add the language of "*provided the hours of operation are mitigated, compliance with all applicable state regulations and the site plan has been reviewed by the Village Engineer.*" **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

There was a discussion on permissive uses regarding the Growers Market. It was decided to add a new section of "*Growers Market*" as a new paragraph (s), and Attorney Mathews is to provide the language and definition.

Trustee Siegel stated that Section B. (4) should read with the same provisions as in the residential zones.

Trustee Rael suggested adding the language of "*except as necessary for maintenance of the use* under Conditional Uses, item (8).

Trustee Rael suggested that under F. Height Regulations, Section 2, (d) this should be changed to match the same as the residential zones, and add the language of "*noting an exception, see (h) below*" to paragraph (e).

Trustee Rael suggested deleting paragraph (g) and change to read "*Wire is prohibited.*"

Trustee Siegel stated that "*kennels*" should be moved back to conditional uses i.e., boarding of animals, which would be large-scale commercial kennels.

There was a consensus from the Board regarding the kennels being moved to conditional uses with a definition.

Trustee Siegel suggested changing the language back to "*six.*" under Item B, Permissive Uses, Paragraph (A).

Mayor Hooker suggested adding the wording "*or retreat center.*" under conditional uses, item 10, Guest Ranch. He asked if the Board wants to add Guest Houses under conditional uses.

Motion: Trustee Lopez moved approval of all the changes discussed above. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

SECTION 15. SUP - SPECIAL USE PERMIT

Trustee Siegel moved to include the following language; under Section 15 (b), as a new subsection (17) to be titled *Family Transfer Subdivision "Subdivision of lots beyond that allowed for in the current zoning may be allowed for the purpose of transferring title to the new parcel to a family member provided that:*

- A. *Sewer and City water are available to both parcels.*
- B. *Adequate ingress and proximity to fire hydrants are available.*
- C. *The transfer of title to the new parcel is made to a first-degree family member either immediately upon subdivision of the original lot, or upon the death of the original owner.*
- D. *Title to either of the parcels derived by family transfer may not be changed for a period of three years from the date of subdivision, except upon the death of a titleholder.*
- E. *The density resulting from the subdivision does not exceed that in the open space matrix for that zoning (subsection 15 b (10). There is no open space requirement for a family transfer subdivision.*
- F. *The subdivision plat must be approved by the Planning and Zoning Commission.*

Trustee Lopez seconded the motion.

Vote: The motion carried unanimously.

Motion: Trustee Siegel moved to add a new subsection (7) under Section 15 B (10) C to read " *A contract detailing the ownership and maintenance of the open space shall be submitted to the Village Planning and Zoning Commission, as well as the Village Attorney, for approval.*" **Trustee Lopez** seconded the motion.

Mayor Hooker asked if it is the Villages intent that we will automatically convert all existing special use zones to special use permits?

Planner Tidwell stated that the County did not issue special use zones, they only issued a permit, and in effect are non-conforming now.

Vote: The motion carried unanimously.

SECTION 17. LANDSCAPING

Motion: Trustee Siegel moved to include the following changes to Section 17:

- (1) *Strike entire sentence in paragraph B, part (1) and add the following language "all buildings erected, parking lots constructed, or alterations in lot coverage exceeding 20% of the lot area occurring after 10/1/02 in the VC, C-1, or NC zones."*

- (2) *Retain P and Z additions throughout section*
- (3) *Paragraph E, Section 3 add a new part (e) "The alternate plan meets or exceeds the existing regulations in conforming to goals of the Village Master Plan." and add part (f) "Alternative landscaping plans will be viewed favorably if open space is provided and existing cottonwood trees are preserved"*
- (4) *Paragraph F, Add section (6), "A landscape maintenance plan designed to implement the above requirements shall be required in all site development plans. Failure to adhere to the maintenance plan at any time shall be considered a violation of this ordinance."*

There was a discussion to add a time limit to the completion of landscaping.

Mayor Hooker suggested inserting this under paragraph F, under maintenance standards to be named completion and maintenance standards to include the language of *"All landscaping shall be completed within twelve (12) months of approval and must be maintained."*

The Board concurred with the Mayor's suggestion above.

Trustee Lopez seconded the motion.

Vote: The motion carried unanimously.

SECTION 18. DARK SKIES

Trustee Siegel suggested the following changes:

- (1) Section 18, (A) under Purpose and Intent, add the language of *"in conformance with applicable mandatory state statutes and the Village Master Plan."* and delete the word *"by."*
- (2) Section 18, part 4, strike the current language and replace with the following language *"Assuring that the light generated by outdoor fixtures does not extend beyond the property line from which it emanates."*
- (3) Section 18, part F, strike everything following *"sunrise except", including both subsections. Add, "when permitted by the Village Zoning Officer. A permit will be issued if, in the opinion of the Zoning Officer:*
 - (1) *The applicant can demonstrate that a legitimate threat to property or public safety would exist without continuous lighting.*
 - (2) *The proposed recreations use is nonrecurring*
 - (3) *The lighting is in all other ways in conformance with this section."*
- (4) *Paragraph B, part (4): Strike "Residential", Strike "be confined to the premises", add confined to the premises", add "confine emitted light within the boundary of the property from which it originated".*

(5) Sections 5 and 6 add " as suggested by Planning and Zoning, but the conformance time should be uniform --two year throughout the village.

Trustee Lopez seconded the motion.

Vote: The motion carried unanimously.

This was the end of the discussions on the above

Motion: Trustee Siegel moved to defer the rest of the sections of the, Village Center Zone, Section 12, Neighborhood Commercial Zone, Section 13, Neighborhood Zone and Section 19-design regulations. **Trustee Lopez** seconded the motion.

Vote: The motion carried unanimously.

6. FINANCIAL BUSINESS

There were no items for discussion under financial business.

7. REPORTS

There were no reports.

8. TRUSTEES INFORMAL DISCUSSION

There was no Trustees Informal Discussion.

9. ADJOURNMENT

Motion: Trustee Rembe moved to adjourn the meeting at 3:00 p.m. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2002.

ATTEST:

Annabelle Silvas, CMC
Village Clerk